



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200650046

Date: June 19, 2006

Comments Due: July 5, 2006

SUBJECT: The U.S. Army Corps of Engineers (Corps), Sacramento District, and the Utah Division of Water Quality are evaluating a permit application to construct the Gem Buildings Incorporated expansion project, which would result in impacts to approximately 1.53 acres of waters of the United States, including wetlands, (waters) adjacent to a tributary to the Black Slough. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Jeff Lundahl
GEM Buildings, Incorporated
1025 North Watery Lane
Brigham City, Utah 84302
435-723-5000

LOCATION: The project site is located at the intersection of Watery Lane and State Route 13, on the east side of the Black Slough, in Section 10, Township 9 North, Range 2 West, in Brigham City, Box Elder County, Utah, and can be seen on the Brigham City USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to fill approximately 1.53 acres of saline wet meadow wetlands to construct additional facilities, parking area and a railroad spur on a 5.4-acre parcel that is located adjacent to GEM's existing operation in order to accommodate needed expansion of their business. GEM has developed a master plan for the 5.4-acre project area to accommodate the need for additional growth based on the assumption that the economy and market for steel-frame buildings will remain steady for the foreseeable future. The master plan includes the proposed two-story office building and parking lots (Phase I), as well as the potential construction of a second two-story professional building in a 3-to-5 year time frame (Phase II), and the construction of a railroad spur alignment in a 5-plus-year time frame (Phase III) that would be shared by GEM and NUCOR Vulcraft, a separate steel fabrication business located to the west of the existing GEM facilities (see attached plans for details). Phase I would directly and indirectly impact approximately 1 acre of waters. Phase II would directly and indirectly impact approximately 0.53 acre of waters. Phase III of the proposed project would not directly impact waters, but does constrain the design and avoidance and/or minimization potential of the project and thus is being considered within the permit application. Based on the

available information, the overall project purpose is to construct additional commercial/industrial facilities to accommodate GEM's immediate and near future business expansion. The applicant believes there is a need to construct additional facilities in order to accommodate additional employees and to remain competitive in the steel fabrication industry. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The property is 5.4 acres in size and contains 1.53 acres of wetlands within the triangular parcel boundaries. An additional 0.28 acre of wetlands located across the abandoned stretch of Watery Lane to the west is not proposed to be impacted. The waters to be impacted are palustrine, saline wet meadow wetlands, predominantly vegetated by salt grass and foxtail barley. The uplands within the site contain Great Basin wild rye and a mixture of other upland grasses and forbs. The site is characterized by a flat, open valley transitioning between the Wasatch Mountains and the Great Salt Lake. The surrounding area is a mosaic of upland and wetland habitats along with numerous alfalfa fields. Wetland habitat types near the project site include emergent marsh, saline wet meadow and open water.

GEM's property is located on the western edge of Brigham City, which is mostly a rural agricultural area with sporadic commercial developments. The project site is bordered on all three sides by transportation infrastructure: to the north by State Route 13 and a railroad line, to the east by the relocated Watery Lane and to the west by the abandoned segment of Watery Lane.

The project area and its surrounding vicinity have been the subject of a Special Area Management Plan Study (SAMP), which designated the project area wetlands as medium to high function/quality wetlands. Additionally, Brigham City has identified an area around GEM's property as an Economic Development Area (EDA). The EDA extends south and east of this project and has plans for future commercial and industrial developments to be located in the vicinity of the proposed project. Future cumulative impacts are anticipated as a result of Brigham City's EDA.

Alternatives. The applicant has provided information concerning project alternatives. GEM has evaluated on-site and off-site alternatives looking at both avoidance and minimization of project impacts. It is not possible to design an on-site alternative that would be contiguous with the existing GEM facilities and that would completely avoid wetland impacts. The applicant also completed an alternatives analysis for the development of a new office building at an off-site location. A critical component of an off-site office building would be the practicability of establishing a super high-speed fiber-optic internet connection of at least 10GB. GEM would have to run its own fiber optic line to an off-site building location, which would be both logistically and economically impracticable. Additionally, relocating the entire GEM operation to another parcel that would have less impacts to waters of the US was analyzed. Assuming an off-site location could be found within a 25-mile radius of the existing business operation where the project could be constructed with fewer impacts to waters, with convenient access to the Interstate highway system, with connectivity to rail freight, and with reasonable proximity to an airport that could accommodate corporate jet aircraft, GEM estimates their relocation costs would be approximately \$11.5 million. Such an alternative would be 86% more costly than the \$1.6 million cost to develop the Proposed Action. The applicant has determined the off-site alternatives to be impracticable due to high cost and/or logistical constraints.

Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has conceptually proposed to purchase the property adjacent to the southern boundary of GEM's current facilities. A cursory aerial determination of this approximately 40-acre parcel has estimated the property includes approximately 20 acres of wetlands. These wetlands have been heavily grazed. The applicant has proposed to preserve and enhance a portion of these wetlands which are adjacent to the northern boundary of the Box Elder Creek Restoration site owned and maintained by Brigham City. GEM's mitigation site would be contiguous with the restoration site and would increase the acreage and functionality of the stream restoration project.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, **on or before July 19, 2006.**

HISTORIC PROPERTIES: Based on the available information, potentially eligible cultural resources may be affected by the proposed project. The Corps has requested information from the applicant concerning historic properties that may occur within the project boundaries.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The

activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200650046, must be submitted to the office listed below **on or before July 3, 2006:**

Jason Gipson, Project Manager, Utah Regulatory Office
US Army Corps of Engineers, Sacramento District
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: jason.a.gipson@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Jason Gipson, 801-295-8380, extension 14, jason.a.gipson@usace.army.mil.

Attachments: 3 drawings